

DRAFT

A meeting of the New Hampshire Water Well Board was held on April 20, 2007 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman
Rene Pelletier, Secretary

Board members: Peter Caswell, Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

DES staff: Rick Schofield, and Yvette Meunier

Chairman Cushing brought the meeting to order at 9:04 AM and introduced the Board and staff members.

Approval of Minutes

Upon motion by Mr. Covell and seconded by Mr. Tasker, the Board unanimously voted to accept the Minutes of the February 8, 2007 meeting.

Old Business

HB 459

Mr. Schofield informed the Board that House Bill 495 has passed the House of Representatives as amended and will now be considered the Senate. Mr. Schofield reported that well tagging was not included in the amended version and that if the bill becomes law it will require well completion reports to include: GPS coordinates, a 911 street address (if publicly available when the report is filed), and tax map and lot number. In addition, if there is more than one well constructed on a property, a map is to be included with the report. The bill will also require technical drillers to file well completion reports with the Board for monitoring wells. Technical drillers will have an option to file one report for the deepest well within a well network, but must accompany the report with a site map indicating the location of other wells in the network. The bill also has a provision that would allow the Department of Environmental Service (DES) to obtain E911 data for GIS mapping from the Department of Safety by exempting DES from RSA 91A, the right to know law.

Mr. Schofield commented that if the bill passes, the Board's proposed rules will need to be amended to be consistent with the new law.

Licensees on Probation

Mr. Schofield reported that four contractors were currently on probation. Of the four, Hartley Industries Inc. was the only company which had not submitted any well completion reports for 2006. Mr. Schofield reported, the Board sent a written request to Hartley Industries Inc. on February 15, 2007 requesting verification that no wells were drilled in 2006, or if the company drilled wells, to file the well completion reports along with the response. The letter requested a response within 14 days. The letter was sent via certified mail and was received on February 21, 2007. Hartley Industries Inc. did not respond to the request.

The Board inquired into the status of the DES administrative fine which was levied against Hartley Industries Inc. Mr. Schofield reported that the DES compliance attorney is on military leave until June 2007 and at that time the matter would be resumed.

The Board directed Mr. Schofield to send a letter to Mr. Hartley requesting his appearance at the next meeting to respond to the Board's inquiry and to discuss the status of his license. The Board noted that Mr. Hartley hadn't responded to its letter of February 15, 2007, hadn't filed any well completion reports, and was currently on probation. The Board also made clear for the record that failure to appear would result in a vote to schedule an administrative hearing to consider suspension or revocation of Mr. Hartley's water well contractor license.

Mr. Schofield referenced the letter informing the Board about the passing of Phillip Aylward, owner of Valley Artesian Well Company, and the subsequent transition of Ken White as the new qualified individual for the company. Mr. Schofield suggested the Board may wish to consider releasing the probationary status of the company, considering the change in the qualified individual. The Board moved that the probationary status would remain unchanged noting that the license number remains unchanged, and the probation period will expire in October of this year.

Complaints

Brenda Fusco / Gilford Well Company, Inc

Mr. Schofield reported that the Board received a complaint on March 6, 2007 from Brenda Fusco against Gilford Well Company with allegations of improper installation of the pitless adapter above the 4 foot minimum depth and an improperly sealed well casing. Gilford Well Company installed the well and pump at the Fusco residence on April 8, 2005.

On March 15, 2007 DES staff met with Ms. Fusco at her property and conducted a site inspection in response to the complaint. Ms. Fusco expressed concern about the depth setting of the pitless adapter, the potential for freezing, and a persistent sediment problem. The well cover was removed and the depth of the pitless adaptor was measured. The installed setting was 32 inches from top of casing and 30 inches below ground surface. Water well code requires water service pipe to be buried at a minimum of 4 feet below grade and the top of the well must be a minimum of 8 inches above grade. DES staff then spoke with the general contractor on the telephone who explained that they had hit ledge when digging the trench and the water supply line was insulated with pipe covering, then sleeved, and then insulated again with foil faced exterior insulation.

On March 22, 2007 DES staff met with Norm Harris and Brenda Fusco at the property. Gilford Well Company conducted a down-hole camera survey of the well, and all parties were able to observe the well construction. The driveshoe was found to be seated and sealed into competent bedrock and no leakage was observed. Mr. Harris inspected Ms. Fusco's cartridge filter and found fine gray mica sediment which appeared to be fine drillings from the construction process. He also ran unfiltered water through a white paper towel and a few particles of mica sediment and iron staining were observed after a few minutes. A new cartridge filter was installed and

disinfected. Gilford Well Company then installed a 12 to 18 inch extension on the well casing with a welded coupling and recommended that 6 inches of additional fill around the well would help protect the water supply line and pitless adapter from freezing.

The Board considered the complaint against Gilford Well Company Inc. and a motion was made by Mr. Covell and seconded by Mr. Garside to dismiss the complaint in consideration that the matter was resolved.

Carl and Dorothy Gregoire / Downeast Drilling Co., Inc.

Downeast Drilling Company installed a well on March 15, 2006 and a pump on November 20, 2006 at the Gregoire residence. The Gregoire's were asked by Downeast Drilling to run the pump for at least 80 hours before taking a water quality sample. Upon pumping, the well ran dry and Downeast Drilling returned to the Gregoire's and found that the pump was not placed deep enough. They deepened the pump setting and had the Gregoire's again pump the well for 80 hours. Upon completion of pumping the Gregoire's discovered a sediment problem and called Downeast Drilling to check the problem and collect a water sample. Downeast Drilling had not responded to the Gregoire's request and they filed a consumer complaint with the Attorney General's office.

Mr. Schofield reported that the Board had been forwarded the Gregoire's consumer complaint on March 2, 2007 from the Attorney General's Office. Upon the Board's receipt of the complaint Mr. Schofield contacted Ron Dyer of Downeast Drilling to inform him of the complaint. Mr. Dyer immediately contacted the Gregoire's in regard to the matter, and on March 12th, 2007 Downeast Drilling took a water sample. On April 17, 2007 the Board received a letter from the Gregoire's stating that the matter had been resolved.

Upon motion by Mr. Covell, and seconded by Mr. Caswell, the Board unanimously voted to dismiss the complaint.

Concerned Resident

Mr. Schofield reported that the Board had received an anonymous complaint from a concerned resident regarding a well owned by Bill Miller of 17 Guinea Road in Stratham. Mr. Schofield contacted Mr. Miller about the complaint and Mr. Miller stated he had not filed a complaint, and he hadn't even used the well at this time because the home was still under construction. Mr. Schofield forwarded Mr. Miller a copy of the complaint.

Mr. Schofield recommended the Board dismiss the complaint. The Board agreed and the complaint was dismissed. The Board instructed staff to contact Ron Dyer to obtain the well completion report for the well, and to send Mr. Dyer a copy of the complaint.

Request for Inspection

Peter Buskey

Mr. Schofield reported that the office received a call from Peter Buskey who was concerned about a new pump installed by Christopher Martin of VM and Sons Plumbing & Heating LLC. Mr. Martin was hired by the former owner of the home who agreed to have the problem fixed.

Mr. Buskey was concerned that the pump was not grounded. Christopher Martin d/b/a VM and Sons Plumbing & Heating LLC, is not a licensed pump installer. Pump installer license No. 1677 issued to Vic Martin, Christopher Martin's father, d/b/a Vic Martin & Sons Plumbing & Heating expired on July 1, 2003, and was never renewed. Christopher Martin had removed the existing deep well jet pump system and installed a new submersible pump system. The existing well had been finished in a well pit, and Mr. Martin raised the wellhead above grade and installed a new cover.

Mr. Buskey filed a written request for an inspection on January 26, 2007, and DES staff conducted a site inspection on February 5, 2007. During the site inspection Mr. Schofield discovered several Water Well Code violations. The submersible pump motor was not grounded as required by We 702.04(h). The pump circuit equipment grounding conductor was terminated at the grounding screw on the Franklin Electric QD Control Box. The pump circuit equipment grounding conductor was not bonded to the well casing as required by We 702.04(i). The TW type submersible pump wire did not transition into National Electrical Code ("NEC") compliant methods upon entry into the building as required by We 702.04(c), and the submersible pump installation does not contain a minimum of two check valves as required by We 702.05(a).

The program has recommended and drafted an administrative Order for approval, which will require Mr. Martin to cease and desist from installing pumps until such time as he is issued a license from the Board, and to correct the cited deficiencies. Once the Order is signed the Membership will receive a copy. The Board suggested that a licensed pump installer should inspect the well casing extension to assure that it was installed according to code.

Rules

General Review and Discussion

Mr. Schofield reported that the Water Well Board rules were up for re-adoption in 2008 and he would like to have an initial proposal ready to vote on for the next meeting, June 15, 2007. Mr. Wunsch requested the Board include a provision for reporting information on bedrock lithology encountered during drilling in the well log section. The Membership discussed types of information to be reported such as color and a general description of the rock type.

Post Hydro-fracturing Yield Tests - This issue has been discussed on several occasions by the Board and was prompted by a petition for rulemaking filed by John Dutra on August 8, 2005.

Mr. Schofield presented a report addressing a concern regarding the sustainability of reported yield test results after a well has been hydro-fractured, and submitted a list of six options for the Board to consider in addressing the concern. Options included: Proposed rules for yield testing after hydro-fracturing a well; Enforcement measures; Disclosure under RSA 477; Fact sheet amendments; Licensing individual drillers; Filing well development reports, and recording both the initial yield and the post hydro-fracturing yield test results in the well database query results on the internet.

Several options received support. The Board agreed to include a new section in the rules for yield test measurements following well enhancement and stimulation. The rule would incorporate the provisions of We 602.10(f), with a definition for stabilization. Several of the

members supported the option for licensing individual drillers and technicians. The new well development reports had been previously approved by the Board, and there was agreement in recording both the initial yield and the post hydro-fracturing yield test results in the well database query results on the internet.

The Board also discussed rules for geothermal wells which were presented by DES staff at the February 8th meeting.

Schedule of Administrative Fines

Mr. Schofield reported to the Board that the administrative fine rules were due to expire February 24, 2008. The Board considered new administrative fines that would correlate with potential violations of the new rules being proposed.

Licensing

Previous Applicant – Russell Barton a/b/a Expedition Drilling, Inc.

At the last meeting several Board members had questions regarding the experience submitted on the application of Russell Barton, for a technical driller license. The Board moved to send Mr. Barton a letter, dated February 14, 2007 which requested Mr. Barton to either submit his qualifications in writing, or appear before the Board to discuss his qualifications at the next meeting, before his application would be approved.

The Board noted that Mr. Barton must show he has one year of hands-on experience and invited Mr. Barton to the table. Mr. Barton addressed the Board describing his experience and qualifications for the technical driller license. Upon motion by Mr. Covell, and seconded by Mr. Pelletier, by a majority vote the Board did not approve Mr. Barton's application. The Board agreed Mr. Barton had 6 months of credible experience operating a drill machine, in addition to the significant experience providing oversight and supervision of drilling operations. He would be required to gain an additional 6 months of experience operating a drill machine to qualify for a water well contractor license, in accordance with We 302.04(c). The Membership agreed that 100 working days would be equivalent to 6 months of experience.

New Applicants

Mr. Mackey reported that new applications were submitted by Scott Hollabaugh, Craig Stevens, Paul Linton and Douglas O'Clair. Applications for Craig Stevens and Paul Linton were incomplete. However, Scott Hollabaugh and Douglas O'Clair's application were complete and ready for the Board to review.

The Board reviewed the applications. Mr. Hollabaugh's application was approved. The Board noted that Mr. O'Clair's application was not in order, and the application was not approved. Staff was instructed to send a letter to Mr. O'Clair explaining that he was welcome to come to the next meeting to discuss his application.

Reporting

Annual Review

The Board reviewed the annual report of well completion report totals submitted by licensees for calendar year 2006, and wells reported in 2007. The Board noted that several companies have not submitted well completion reports within the last 90 days and moved to send notice to all licensees who have not filed any reports in 2007 asking them to review their records to make sure all 2006 well completion reports have been filed with the Board.

Enforcement

Program Enforcement Strategy

Mr. Schofield presented the Board with the enforcement strategy for the Water Well Program with the assistance of the Drinking Water and Groundwater Bureau's (DWGB) enforcement unit. Mr. Schofield outlined the strategy for the Board and introduced Alan Leach and Selina Makofsky from the DWGB enforcement unit to the Board. The Board discussed the enforcement strategy.

Mr. Schofield proposed sending a report to all licensed contractors at the beginning of April each year listing all well completion reports submitted the previous year, and asking them to reconcile the list with their records to aid in compliance.

Several Board members reiterated their concern that the DES enforcement program was not pursuing administrative fines for violations in the amounts listed in the fine schedule adopted by DES and approved by the Board.

New Business

DES OneStop GIS

Chairman Cushing introduced the DES OneStop GIS program to the Board and encouraged all members in the industry to use it. Mr. Schofield explained the application process to gain access to the DES OneStop GIS database.

SB 210-FN Water Treatment Technicians, Plu 305 Fees

Mr. Schofield reported to the Board that the Bill was re-referred to committee. The Bill would make several amendments to RSA 329 Plumbers Licensing statute. Mr. Schofield highlighted some of the major changes in the Bill for the Board which include; licensing fuel gas fitters, increasing the membership of the plumbers licensing board from 5 to 7, establish voluntary certification for water treatment technicians, authorizes the Board to issue inactive status to licensed plumbers during military service, establishes penalties for misrepresentation as a certified water treatment technician and increases the compensation for Board members from \$30 to \$50 per day. The Board reviewed and discussed the Bill.

Sediment Filtration Equipment Installed within a Well

Mr. Schofield requested the Board's guidance regarding whether a pump installer license was required to install sediment filtration equipment, such as a sand separator, inside a well. The Board ruled that in order to install the equipment a contractor must remove and reinstall the pump, therefore a pump installer license would be required.

Irrigation System Installers

Mr. Schofield reported that Mike Young had contacted him with a concern that irrigation system installers may be presenting a back flow hazard when cutting into the water service piping and removing check valves to install irrigation systems. The Board discussed Mr. Young's concern and moved to table the issue.

Abandoned Well Report –Licensee Signature

Mr. Schofield reported to the Board that an abandoned well registration report filed by Contoocook Artesian Well Company was sent back for a signature, and upon return the report was not signed by the licensee, but by an employee. The Board determined that the licensee is to file and sign their reports. The Board moved to send back the report and ask the licensee to sign the report.

Standing Column Wells

Roger Skillings informed the Board that the City of Dover had not approved, or was considering not approving, standing column wells. The Board discussed the issue and noted that it was in the process of considering proposed rules for the construction and regulation of geothermal wells. The Board voted to send a letter to Dean Miles, Health Officer and Plumbing Inspector for the City of Dover, explaining that the construction of geothermal wells is a licensed activity regulated by the Board. The Board is currently considering the adoption of administrative rules for geothermal wells, which includes standing column wells. The water used in open loop systems is non-contact water, and the Board has received no consumer complaints regarding health concerns. And based on information provided to the Board, water quality impacts related to alternating injection of warm and cold water into these wells does not appear common, and the Board endorses the technology.

Elections

Chairman Cushing reported that elections will be held next meeting.

Upon motion by Mr. Caswell and seconded by Mr. Garside, the Board unanimously voted to adjourn the meeting.